

Message Text

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ACTION EUR-12

INFO OCT-01 NEA-09 ISO-00 EURE-00 SSO-00 NSCE-00 SS-15 L-02

NSC-05 EB-07 PM-03 CIAE-00 INR-07 NSAE-00 INRE-00

USIE-00 ACDA-05 PA-01 PRS-01 SP-02 TRSE-00 SAJ-01

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FM AMEMBASSY ANKARA

TO SECSTATE WASHDC IMMEDIATE 8038

SECDEF WASHDC IMMEDIATE

INFO JCS WASHDC IMMEDIATE

CSAF WASHDC IMMEDIATE

CINCEUR IMMEDIATE

CINCUSAFE IMMEDIATE

AMEMBASSY JIDDA IMMEDIATE

AMEMBASSY TEHRAN IMMEDIATE

AMEMBASSY AMMAN IMMEDIATE

S E C R E T ANKARA 1457

E.O. 11652: XGDS-3 INDEF

TAGS: MARR MASS PFOR TU

SUBJ: THIRD COUNTRY OVERFLIGHTS

REF: (A) STATE 037617 (B) ANKARA 1213 (C) ANKARA 711

(ALL REFERENCES NOTAL)

1. SUMMARY. MFA OFFICIAL HAS INFORMED US THAT HIS
MINISTRY CANNOT RPT NOT RECOMMEND APPROVAL OF OVERFLIGHT
CLEARANCES (INCLUDING MILITARY AIRCRAFT) FOR MUNITIONS DELIVERIES
TO THIRD COUNTRIES UNLESS USG ACCEPTS ONE
HUNDRED PER CENT RESPONSIBILITY FOR
THIRD PARTY CLAIMS FOR DAMAGES RESULTING FROM CRASHES OF
THESE AIRCRAFT. IF WASHINGTON BELIEVES THIS UNACCEPTABLE,
THESE OVERFLIGHTS SHOULD BE ROUTED OVER OTHER AIR SPACE AT
LEAST FOR DURATION OF AID CUT-OFF. END SUMMARY.

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2. MSA COUNSELOR CALLED ON MFA DEPUTY DIRECTOR GENERAL FOR INTERNATIONAL SECURITY AFFAIRS ASULA ON FEBRUARY 20 TO SEEK HIS VIEWS ON EMBASSY'S DROPPING RECLAMA NOTES ON OVERFLIGHT THIRD PARTY CLAIMS WHILE REITERATING U.S. POSITION BY LETTER AS RECOMMENDED REF A. TAKING HARDER (BUT STILL OUTWARDLY FRIENDLY) LINE THAN IN CONVERSATION REPORTED REF B, ASULA STATED THAT IF USG GAVE EITHER WRITTEN OR ORAL NOTICE THAT USG HAS NOT RPT NOT CHANGED POSITION ON THIRD PARTY CLAIMS, MFA WOULD NOT RPT NOT BE ABLE TO RECOMMEND CONTINUED APPROVAL OF OVERFLIGHT REQUESTS. ASULA SAID HIS REMARKS DID NOT RPT NOT CONSTITUTE REFUSAL TO PROCESS CLEARANCES WITH OTHER INTERESTED GOT AUTHORITIES BUT WE SHOULD KNOW THAT MFA IS MUCH BETTER DISPOSED TOWARDS USG POSITION ON THIS ISSUE THAN ARE OTHER GOT ENTITIES. MFA COULD NOT RPT NOT GUARANTEE THAT OVERFLIGHT CLEARANCES WOULD BE GRANTED IN ANY CASE BUT EMBASSY COMPLIANCE WITH MFA SUGGESTIONS WOULD STRENGTHEN ITS EFFORTS HOLD BACK STRONGER ACTION ADVOCATED BY OTHERS, ASULA FURTHER EXPLAINED.

3. ASKED IF HE WERE NOW ASKING THAT USG ACCEPT GOT POSITION ON THIRD PARTY CLAIMS IN ORDER OBTAIN MFA SUPPORT FOR OVERFLIGHTS, ASULA SAID HE WAS INSTRUCTED TO SO INFORM US, BUT NOTED THAT GOT POSITION WAS AS SET FORTH IN MFA'S CUSTOMARY RESPONSES TO CLEARANCE REQUESTS (PARA 6, REF C). WHILE THIS LANGUAGE INDICATES THAT USG WILL ACCEPT ONE HUNDRED PER CENT LIABILITY FOR CLAIMS RESULTING FROM "CRASHES," CLAIMS RESULTING FROM OTHER ACCIDENTS SUCH AS DROPPING WING TANK MIGHT BE TREATED OTHERWISE.

4. ASULA EMPHASIZED THAT MFA COULD DO NO LESS THAN INSIST ON U.S. ACCEPTANCE OF ITS POSITION ON THIRD PARTY CLAIMS "DURING THIS DIFFICULT PERIOD OF AID CUT-OFF". ASKED IF U.S. ACCEPTANCE OF GOT POSITION "DURING THIS DIFFICULT PERIOD" WOULD NOT RPT NOT IN FACT CONSTITUTE PERMANENT ABANDONMENT OF U.S. POSITION, ASULA SAID THAT MATTER MIGHT AGAIN BE TABLED FOR NEGOTIATION IF AID RESUMED BUT HE COULD NOT RPT NOT COMMIT GOT TO PERMIT RESUMPTION OF OVERFLIGHTS UNDER PROCEDURES HERETOFORE EMPLOYED.

5. COMMENT: ALTHOUGH ASULA INDICATED THAT U.S.

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ACCEPTANCE OF GOT POSITION MIGHT BE LIMITED TO PERIOD OF AID CUT-OFF, WE BELIEVE IT PRUDENT TO CONSIDER THIS STEP ON OUR PART AS PERMANENTLY RULING OUT RETURN TO NATO/SOFA THIRD PARTY CLAIMS FORMULA FOR MUNITIONS DELIVERY FLIGHTS OVER TURKEY. UNLESS WE ARE WILLING TO ACCEPT THEIR EXCLUSION FROM NATO/SOFA FORMULA, THEREFORE, MUNITIONS OVERFLIGHTS MUST BE ROUTED OVER OTHER AIR SPACE AT LEAST FOR DURATION OF AID CUT-OFF AND QUITE POSSIBLY BEYOND. WE HAVE THUS FAR

RECEIVED NO INDICATIONS THAT GOT INTENDS APPLY ONE HUNDRED
PER CENT CLAIMS FORMULA TO OTHER OVERFLIGHTS (THOSE NOT RPT NOT
DELIVERING MUNITIONS DO NOT RPT NOT REQUIRE CLEARANCE BY MFA),
BUT THIS IS, OF COURSE, AMONG GOT OPTIONS IN RESPONDING TO
AID CUT-OFF.
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